



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

1410 North Hillen • Boise, Idaho 83708-1255 • (208) 373-0502

Dirk Kempthorne, Governor
C. Stephen Allred, Director

March 9, 2001

Ms. Kathleen Hain, Director
Environmental Restoration Program
U.S. Department of Energy
Idaho Operations Office
850 Energy Drive
Idaho Falls, ID 83401-1563

Subject: Denial of 2/26/2001 Request for Extension of Deadlines for Waste Area Group 7, Operable Unit (OU) 7-10

Dear Ms. Hain:

The Department of Environmental Quality does not find good cause to support your request for an extension of approximately 7 years for remaining deadlines for the Pit 9 project, operable unit 7-10. As a result, DEQ denies your request.

As we have indicated in our prior discussions on this subject, DOE's proposed schedule extension of 7 years for the completion of the retrieval of the 20' by 20' area, and corresponding extension of more than 13 years for retrieval of the acre comprising Pit 9 are not reasonable.

Your letter also did not reference the 1997 Agreement to Resolve Disputes entered into by DOE, EPA and DEQ under the Federal Facilities Agreement and Consent Order. The Agreement resulted in the schedule for the Pit 9 project already being lengthened by a number of years. In the Agreement, the parties agreed to extend the deadline to perform the draft Remedial Investigation and Feasibility Study for the remaining Pits and Trenches to "allow for Pit 9 information to be available for evaluation" in the decision-making process for the larger area of buried transuranic waste. The parties agreed that "information from the cleanup of Pit 9" will be used in the baseline risk assessment, RI/FS and Record of Decision for the larger area.

In the 1997 Agreement, the Parties also agreed that if information from the Pit 9 project was not available for decision-making documents for the Pits and Trenches, DOE "shall immediately initiate independent characterization and treatability studies for purposes of evaluating the alternatives...." Under that circumstance, DOE would ultimately submit a

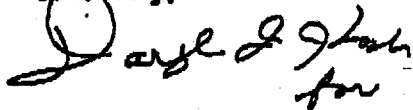
Kathleen Hain
March 9, 2001
Page 2 of 2

revised scope of work for the RI/FS for the larger area of buried waste. In addition to not stating good cause, DOE's request to extend the Pit 9 schedule did not include any reference as to how it would collect the information that would not be available from Pit 9 with the schedule delay. In fact, your letter of February 27, 2001 indicates DOE does not plan to collect such information, contrary to its commitments.

DOE's proposal to delay Pit 9 project deadlines for 7 years, well beyond the Record of Decision for the Pits and Trenches, is counter to the intent of the original 1993 Record of Decision for the Pit 9 project, our revision of the project under the 1997 Agreement to Resolve Disputes, and numerous intervening statements of DOE representatives to state officials.

Further, the 1995 court settlement with the State of Idaho requires DOE to remove all transuranic waste located at INEEL from the State by 2018. DOE's proposed schedule extension jeopardizes this deadline.

Sincerely,

A handwritten signature in dark ink, appearing to read "Dean J. Nygard", with a stylized flourish at the end.

Dean J. Nygard
Site Remediation Program Manager
Waste Management and Remediation Division

DJN:md

cc: C. Stephen Allred; AD
Kathleen Trever, IN
Orville Green, WMRD
Wayne Pierre, Region X EPA
Daryl Koch, WMRD